



February 28, 2019

**VIA E-FILING**

The Honorable Richard G. Andrews  
United States District Judge  
J. Caleb Boggs Federal Building  
844 N. King Street  
Unit 9, Room 6325  
Wilmington, DE 19801-3555

**Re: Bio-Rad Laboratories, Inc., et al. v. 10X Genomics, Inc.  
C.A. No. 15-cv-152-RGA**

Dear Judge Andrews:

We write on behalf of Plaintiffs to update the Court concerning a Patent Office proceeding relating to U.S. Patent No. 7,129,091 (the '091 Patent), which is one of the patents-in-suit. As a refresher, the verdict in this case was rendered in favor of Plaintiffs on November 13, 2018. Post-trial motions, including Plaintiffs' injunction motion, are briefed and pending.

As the Court may recall, after the close of evidence and prior to closings the Court adjusted its claim construction for the '091 Patent. As a result, the parties stipulated to non-infringement of the '091 Patent. Meanwhile, Defendant 10X continued to pursue its *ex parte* reexam of the '091 Patent. On February 25, 2019, the Patent Office rejected 10X's challenge to the '091 Patent, including its invalidity theories based on the Quake prior art reference that was featured at trial relative to all the patents and upheld the '091 Patent. The Patent Office's Intent To Reissue, explaining its reasoning, is attached for the Court's reference.

We are available at the Court's convenience if Your Honor has any questions.

Respectfully submitted,

/s/ Michael J. Farnan

Michael J. Farnan

cc: Counsel of Record (Via E-Filing)